This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

As rescanning documents *will not* correct images, please do not report the images to the Image Problem Mailbox.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	: Group Art Unit of Parent App. 09/556,158: 3623
R. de Sylva et al.	: Examiner of Parent App: Boyce, Andre D
Filed: January 22, 2004	: Date: January 22, 2004
For: SYSTEM AND METHOD FOR FACILITATING INTERACTION BETWEEN PARTICIPANTS IN A TRANSACTION	:

AFFIDAVIT UNDER 37 CFR 1.131 AND 1.608

Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

I, Robert F. de Sylva, hereby declare that I am the inventor of the SYSTEM AND METHOD FOR FACILITATING INTERACTION BETWEEN PARTICIPANTS IN A TRANSACTION disclosed and claimed in the above-identified patent application.

Enclosed herewith are affidavits from persons involved in discussions with me and Trek Kelly, which show that the invention was conceived and discussed before December 30, 1999. I worked diligently on the invention with Trek Kelly until the above-identified patent application was filed April 21, 2000. Additional copies of notes and diagrams support this fact. See attached Exhibits A-F.

Exhibit A: Exhibit A is an affidavit from Adi Peery explaining her interpretation of discussions between her and Trek Kelly. Trek Kelly was (and still is) currently working closely with me on furthering the invention. The fact herein relied upon is that Robert de Sylva conceived embodiments, as communicated to Adi Peery through Trek Kelly, of the invention before December 30, 1999.

Exhibit B: Exhibit B is an affidavit from T. Shiloh Kelly detailing her understanding of the invention as communicated to her by myself and Trek Kelly prior to December 30, 1999.

Exhibit C: Exhibit C is an affidavit from David Rubenstein detailing his understanding of the invention as communicated to him by myself and Trek Kelly prior to December 30, 1999.

Exhibit D: Exhibit D presents detailed diagrams developed by me that were forwarded to Trek Kelly on February 4, 2000. Various concepts presented in the diagrams were conceived before the diagrams were made and sent to Trek on February 4, 2000. These diagrams illustrate due diligence in proceeding to reduce the invention to practice.

To the best of my knowledge and belief, this invention was not sold or in public use in the United States for one year prior to the date of the above application nor was it patented or described in a printed publication prior to that time. Finally, I have never abandoned this invention.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Robert Francis de Sylva
Address: Santa Monica, California.
Citizenship: United States

Respectfully Submitted,

Robert de Sylva (310) 452-4579 Date

1-22-04

Exhibit D

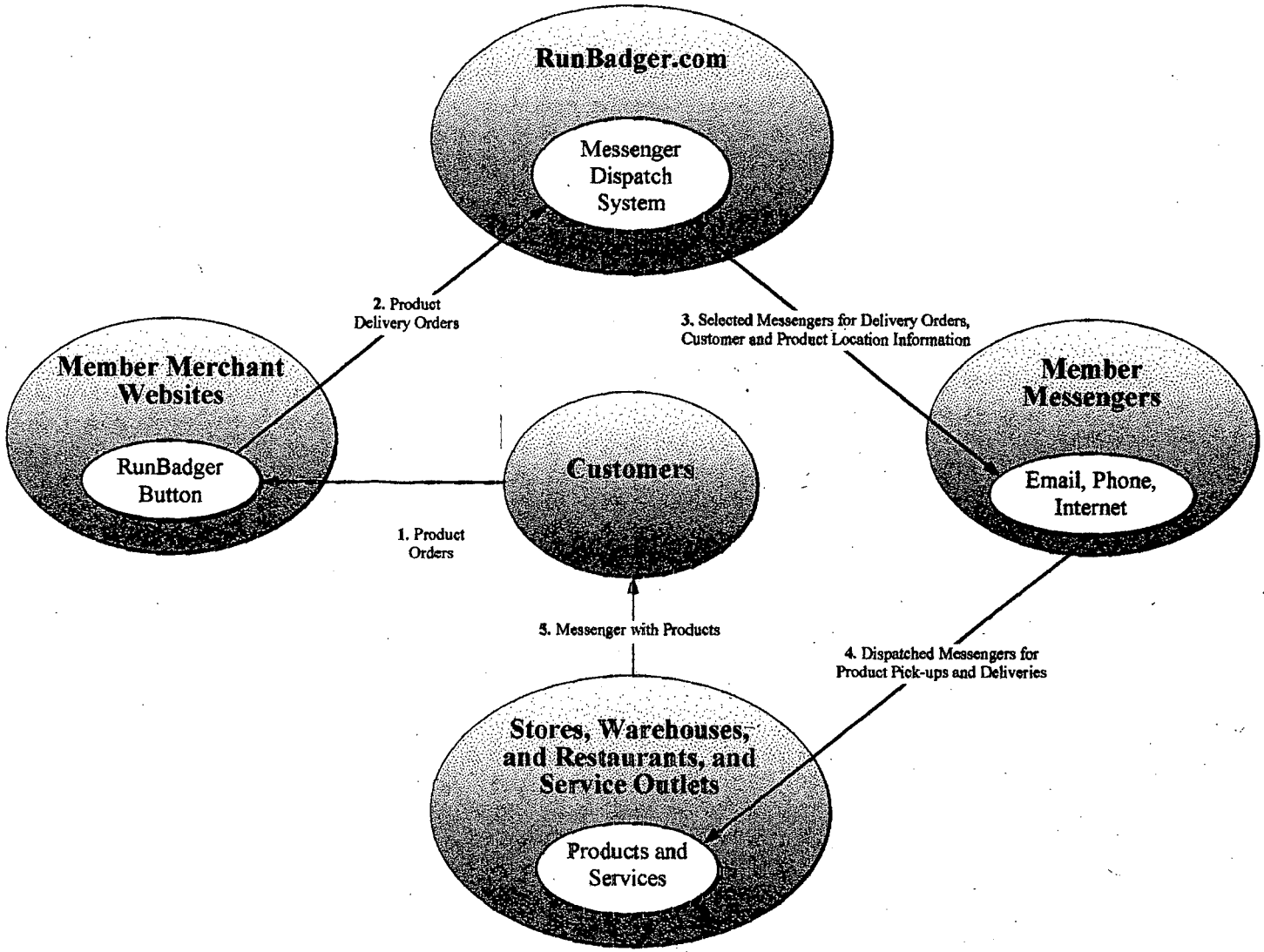

Figure 1. Generalized RunBadger Delivery Operation

Exhibit D

RUNBADGER

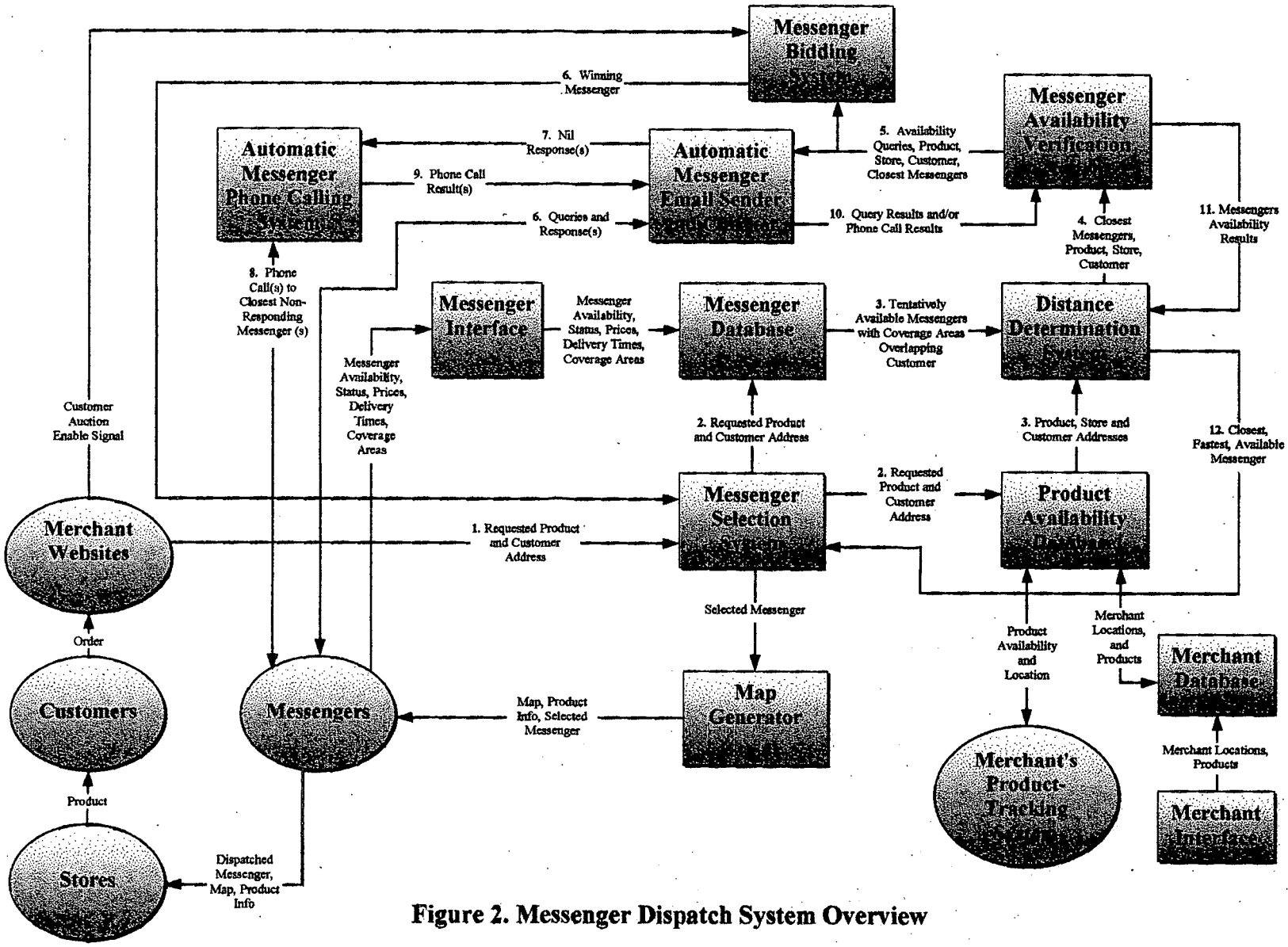

Figure 2. Messenger Dispatch System Overview

Exhibit D

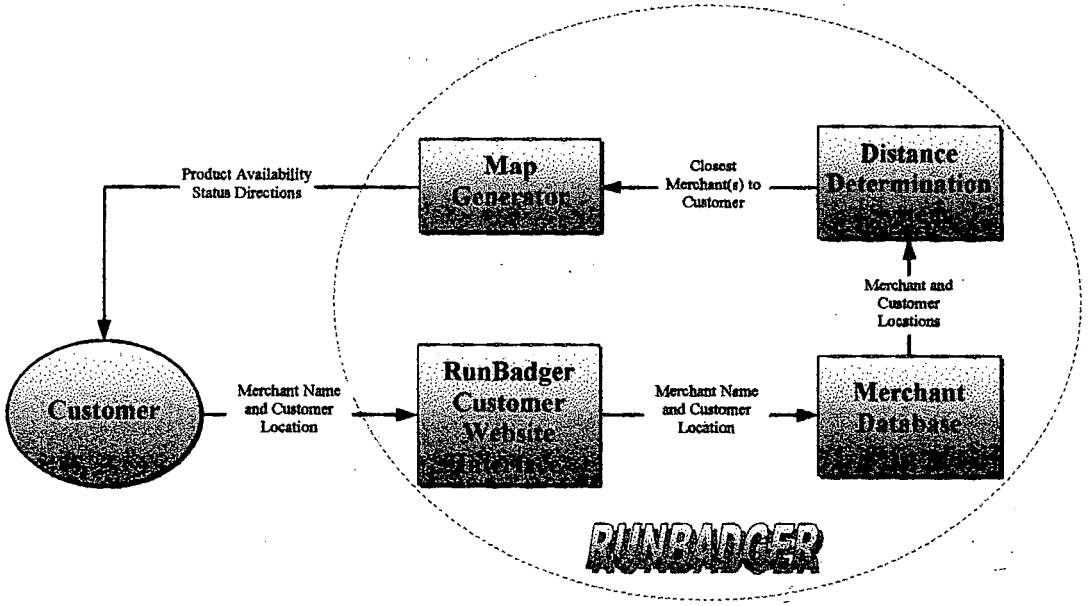

Figure 7. Merchant Location Look-Up

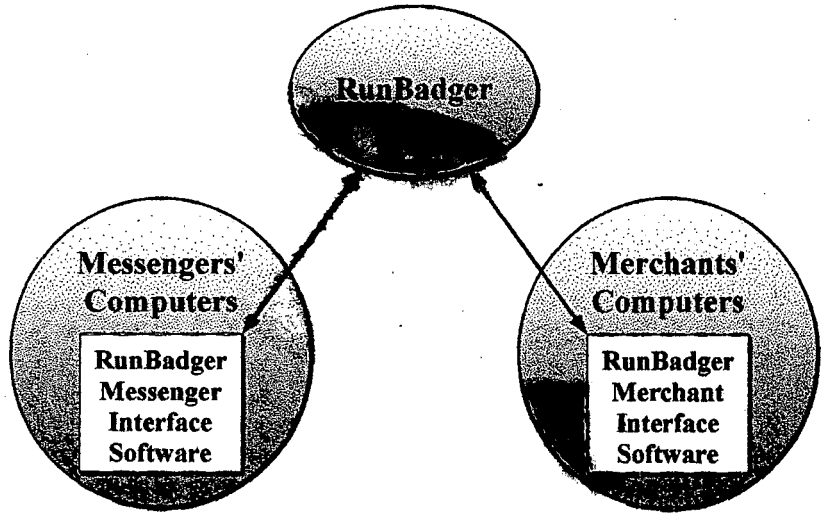

Figure 8. RunBadger Distributed Architecture

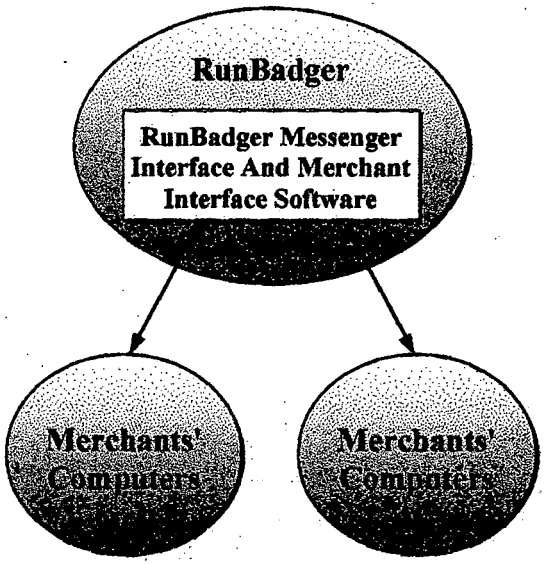

Figure 9. RunBadger Centralized Architecture

Exhibit D

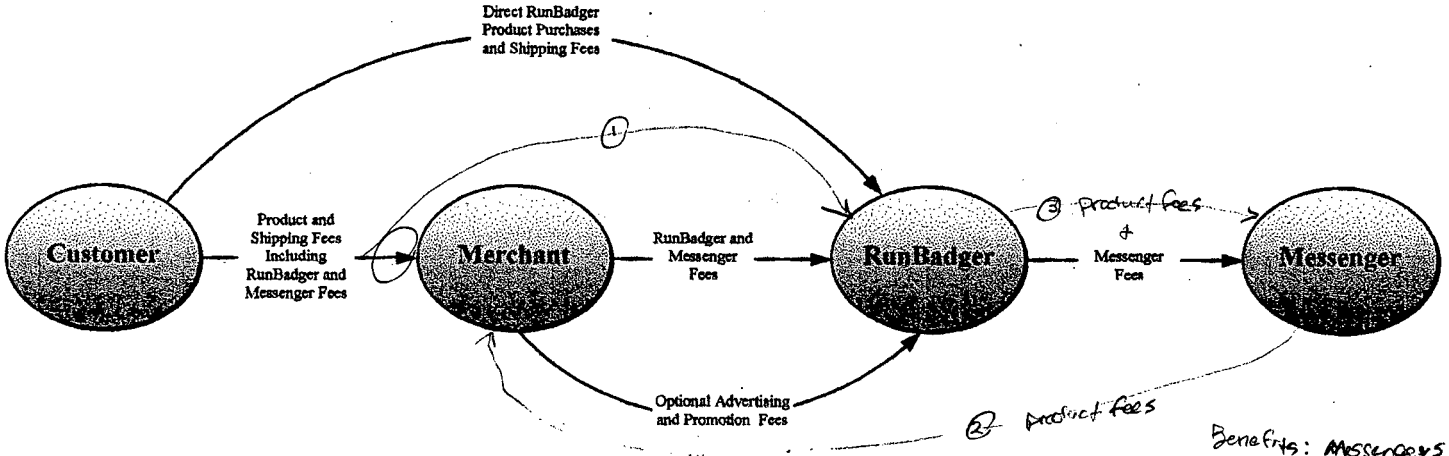

Figure 3. Generalized RunBadger Money Flow

Benefits: Messengers do not sign on and steal products.

Drawbacks: Messengers may be resistant to charge products and may not have enough credit.

Stores may prefer to charge directly for the products on the website

2/24/00

Alternative: store charges for both fees
order number generates system
Messenger displays order number
to get product from the store.

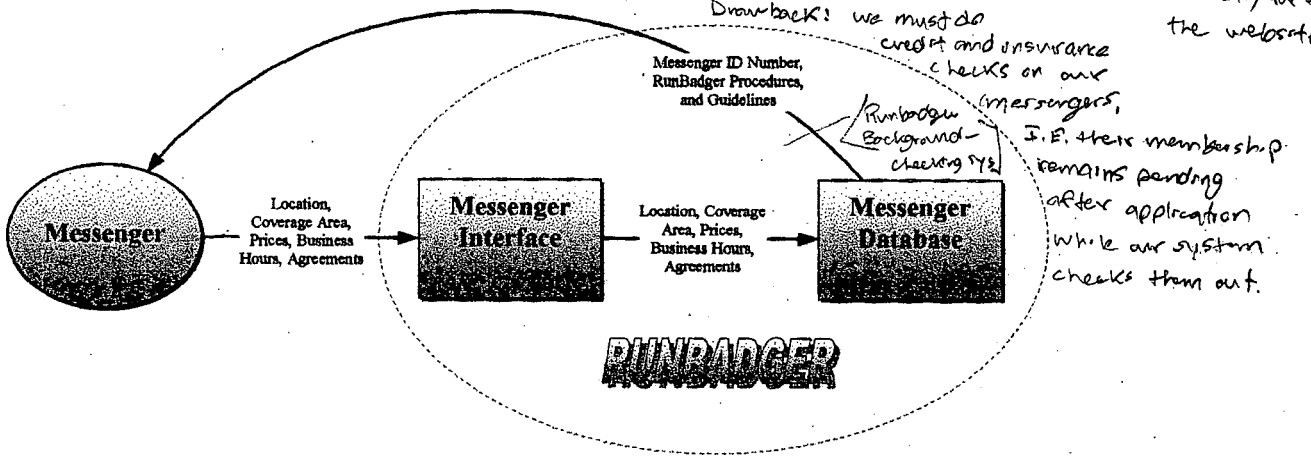

Figure 4. Messenger Sign-up Process